

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to five-year rules review

The Human Services Department hereby amends Chapter 38, “Developmental Disabilities Basic State Grant,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 225C.3 and 225C.6.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 225C.3 and 225C.6.

Purpose and Summary

This chapter was reviewed as part of the Department’s five-year rules review. This rule making updates the definition of “developmental disability” to include infants and children starting at birth and increase the age limit from five to nine years old. An Iowa Code reference is also updated.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on August 24, 2022, as **ARC 6469C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Mental Health and Disability Services Commission on October 20, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on January 1, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend rule **441—38.1(225C,217)**, definition of “Developmental disability,” as follows:

“Developmental disability” means a severe, chronic disability of a person ~~5 years of age or older~~ which is attributed to a mental or physical impairment or a combination of mental and physical impairments; is manifested before the person attains the age of 22; is likely to continue indefinitely; substantially limits the person’s ability to carry out major life activities in at least three of the areas of self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living and economic self-sufficiency; and reflects an ongoing need for individualized, coordinated services. The term, when applied to infants and children from birth to the age of ~~5~~ nine, means a substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.

ITEM 2. Amend rule 441—38.4(225C,217), introductory paragraph, as follows:

441—38.4(225C,217) Conflict of interest policy. All Iowa DD council members and those serving in an advisory capacity to the Iowa DD council as ~~defined~~ described in ~~441—subparagraph 1.7(8) “c”(2)~~ Iowa Code section 225C.5 shall not engage in activities that present a conflict of interest.

[Filed 10/21/22, effective 1/1/23]

[Published 11/16/22]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/16/22.